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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 VINCENT HALL,

No. C 13-1426 TEH (PR)

11  
12 Petitioner,

ORDER FOR ATTORNEY TO FILE  
NOTICE OF APPEARANCE OR NOTICE  
OF NON-APPEARANCE

13 v.

14 RALPH M. DIAZ, Warden,

15 Respondent.  
16 \_\_\_\_\_/

17 On March 29, 2013, Petitioner Vincent Hall, an inmate at  
18 the California Substance Abuse Treatment Facility and State Prison,  
19 filed a petition for a writ of habeas corpus pursuant to 28 U.S.C.  
20 § 2254. On April 24, 2013, the Court issued an Order Regarding  
21 Mixed Petition in which it found that Petitioner had filed a mixed  
22 petition containing exhausted and unexhausted claims because he had  
23 indicated in his petition that one of his claims was unexhausted.  
24 Doc. #2. The Court granted Petitioner thirty days from the date of  
25 the Order to inform the Court how he wished to proceed with his  
26 mixed petition. The Court notified Petitioner that failure to  
27 respond within thirty days would result in the dismissal of the  
28 petition without prejudice to filing a new petition containing only

1 exhausted claims. Doc. #2.

2           On June 13, 2013, more than thirty days had passed and  
3 Petitioner had not notified the Court how he wanted to proceed with  
4 his mixed petition nor had he communicated with the Court in any  
5 manner. Therefore, the Court dismissed the petition without  
6 prejudice to refiling a new petition containing only exhausted  
7 claims. Doc. #3. On June 24, 2013, the mail containing this Order  
8 was returned to the Court as undeliverable because Petitioner's  
9 address was misstated. Doc. #4. The Court re-mailed its Order to  
10 Petitioner who filed a motion to reconsider the Order of Dismissal.  
11 Doc. #5. On July 22, 2013, the Court issued an order granting the  
12 motion for reconsideration, vacating the order of dismissal and re-  
13 opening the case. Doc. #6. In its Order, the Court noted that,  
14 from Petitioner's motion, it was apparent that he believed that he  
15 was represented by counsel and that counsel had not responded to the  
16 Court's orders because the Court had not mailed its orders to her.  
17 Therefore, in the July 22, 2013 Order, the Court ordered counsel to  
18 file a notice of appearance as counsel of record for Petitioner.  
19 The Court also ordered that Petitioner, either pro se or through  
20 counsel, respond to the Court's April 24, 2013 Order Regarding Mixed  
21 Petition. The Court granted Petitioner twenty-eight days from the  
22 date of the Order to file a response.

23           On July 25, 2013, Petitioner filed a letter in which he  
24 states that he is represented by Janice Lagerlof, 3929 24th Street,  
25 San Francisco, California 94114 (415)282-8849. He also states that  
26 he is sending the Court's orders to Ms. Lagerlof and expects her to  
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1 respond to the Court's order on his behalf.

2           However, in order to represent Petitioner, counsel must be  
3 a registered user of the Court's electronic case filing system (ECF)  
4 and e-file a notice of appearance on behalf of Petitioner. See Civ.  
5 L.R. 5-1(c)(1) and (2)(A) (Obligation for attorney to register on  
6 ECF and e-file a notice of appearance). Counsel has not yet filed a  
7 notice of appearance on behalf of Petitioner. In his letter,  
8 Petitioner states that Ms. Lagerlof did not respond to the Court's  
9 orders because they were mailed to Petitioner and not to her.  
10 However, if Ms. Lagerlof was an ECF user and had e-filed her notice  
11 of appearance on behalf of Petitioner, she would receive electronic  
12 notice of the Court's orders. See Civ. L.R. 5-1(h) (service of  
13 electronically filed documents).

14           Accordingly, the Court orders as follows.

15           (1) The Clerk of the Court shall mail this Order to  
16 Petitioner and to Ms. Janice Lagerlof, 3929 24th Street, San  
17 Francisco, CA 94114.


18           (2) Within seven days from the date of this Order, Ms.  
19 Lagerlof must either file a notice of appearance in this case  
20 according to the Civil Local Rules or she must inform the Court that  
21 she is not representing Petitioner.

22           (3) Petitioner's response to the Court's April 24, 2013  
23 Order Regarding Mixed Petition is due twenty-eight days from the  
24 date Ms. Lagerlof files her response with the Court. If Petitioner  
25 does not respond to the April 24, 2013 Order within this time, his  
26 petition will be dismissed without prejudice to filing a new  
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1 petition containing only exhausted claims.

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3 IT IS SO ORDERED.

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5 DATED 07/31/2013

  
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6 THELTON E. HENDERSON  
7 United States District Judge  
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